

This section has been amended, and no form is now prescribed by the amended section.

The Nova Scotia Summary Convictions Act also says (sec. 55), "any person who thinks himself aggrieved" may appeal, and sec. 56 (b) says that the appellant shall give a notice of appeal in the form D D in the schedule, but the form contains no statement or reference that the appellant is the person aggrieved.

Code sec. 750 reads:—

"(b) The appellant shall give notice of his intention to appeal by filing in the office of the clerk of the Court appealed to a notice in writing setting forth with reasonable certainty the conviction or order appealed against, and the Court appealed to, within ten days after the conviction or order complained of, and by serving the respondent and the justice who tried the case each with a copy of such notice."

Halsbury's Laws of England, in vol. 19, under the title "Magistrates," at p. 647, note, says with respect to summary convictions:—

"Where the right of appeal is given to an 'aggrieved party,' the grounds of appeal must shew that the appellant is aggrieved . . . but it is otherwise where the appellant is appealing against a conviction or order made against himself."

*R. v. The Justices of the West Riding of Yorkshire*, 7 B. & C., p. 678, and *R. v. The Justices of Essex*, 5 B. & C. 431, were cases under the Highway Act, where the justices, as our municipal councils under certain conditions now have, had the power to stop up or divert a highway. There were no parties to the proceedings, but any "person aggrieved," i.e., a ratepayer or resident in the district, could appeal. Those cases are authority for the proposition that anyone appealing under such a statute and who is not a party to the record, must shew by his notice of appeal that he is appealing as a "person aggrieved," and when the appeal is heard he must qualify accordingly.

Further, in *R. v. Essex Justices*, the judgment expressly states that it was the construction the Court put upon the particular statute there in question, "without giving any rule for the construction of others."

And see *R. v. Somersetshire*, decided the same year, and reported in the note to *R. v. Yorkshire*, *supra*.

The opinion delivered in *R. v. Jordan*, 5 Can. Cr. Cas. 438, an appeal under the British Columbia Summary Convictions Act states:—

"Another point taken before me was, that the notice did not state that Jordan was the person aggrieved; the Act does not,